

**City of Fayetteville**  
**Regular Mayor and City Council Meeting**  
**Minutes**  
**April 16, 2015**

**Call to Order**

The Mayor and City Council of Fayetteville met in regular session on April 16, 2015 at 7:00 p.m. in the Council Chambers at City Hall. Mayor Clifton called the meeting to order, followed by Opening Prayer by Mr. Miquel Escobar, and then led those attending in the Pledge of Allegiance to the Flag. Council members present were: Mickey Edwards, Paul Oddo, Scott Stacy, and James Williams. Mayor Pro Tem Johnson was absent. Staff members present were City Manager Ray Gibson and City Clerk Anne Barksdale.

Stacy moved to approve the minutes of the regular Council Meeting of April 23, 2015. Edwards seconded the motion. Motion carried unanimously.

Mayor Pro Tem Johnson arrived at the meeting.

**Recognition and Presentations:**

Mayor Clifton presented a proclamation to Ian Barcala, a junior at Georgia State University majoring in Managerial Science. He has been given the opportunity through Young Entrepreneurs Across America to learn how to run his own business by running the Fayetteville branch of Student Painters.

Mayor Pro Tem Johnson presented proclamation to Andrew Fleming for Global Youth Service Day. He is hosting a food drive benefitting Fayette Samaritans Saturday, April 18<sup>th</sup> from 10:00 a.m. – 1:00 p.m. at Jack Day Park.

Mayor Clifton presented a proclamation for Confederate Memorial Day to Bo Hill. The date of April 26<sup>th</sup> each year has been set aside by the Georgia General Assembly to honor all Confederate soldiers of Georgia that gave their lives in battle; therefore we, in conjunction with the State of Georgia would like to recognize this anniversary of Confederate Memorial Day.

Mayor Pro Tem Johnson presented award to Director of Community Development Brian Wismer and Main Street Director Joyce Waits for their designation as an accredited *National Main Street Program* in 2015 for meeting the commercial district revitalization performance standards set by the National Main Street Center, a subsidiary of the National Trust for Historic Preservation.

Mayor Clifton presented Resolution R-11-15 to Anne Barksdale, City Clerk, proclaiming April 19<sup>th</sup> – 25<sup>th</sup> as Georgia Cities Week in Fayetteville.

Mayor Pro Tem Johnson presented Michael Mumper, working with AVPride and Becky Smith, with Fayette Factor a proclamation proclaiming April as “Alcohol Awareness Month”. This year AVPride is bringing two campaigns, “Alcohol Awareness” and “Parents Who Host Lose The Most” to our attention.

### **Public Hearings:**

Mayor Clifton called Consider #0-5-15 – Intergovernmental Agreement for Fayette County to Conduct City of Fayetteville Election November 3, 2015.

Anne Barksdale, City Clerk stated the Intergovernmental Agreement and Ordinance will allow Fayette County to conduct the City of Fayetteville election on November 3, 2015. She said Fayette County has been conducting our elections for several years and they do a great job for us.

There were no public comments.

Oddo moved to approve #0-5-15 – Intergovernmental Agreement for Fayette County to Conduct City of Fayetteville Election November 3, 2015. Williams seconded the motion. Motion carried unanimously.

Mayor Clifton called Consider #0-6-15 – Annexation – 140 Walker Parkway – Public Hearing and 1<sup>st</sup> Reading.

Mayor Clifton read the conflict statement for rezoning:

Mayor Clifton stated that Georgia Law requires that certain disclosures have to be made when considering any rezoning.

Mayor Clifton asked the Council “to the best of your knowledge gentlemen do you or any member of your family have a property interest in any real property that could be affected beneficially or adversely by the approval or denial of the petitions for rezoning that are under consideration?”

All Council Members and Mayor Clifton responded no.

Mayor Clifton asked the Council “to the best of your knowledge do you or any member of your family have a financial interest in any business entity which has a property interest in any real property that could be affected, beneficially or adversely, by the approval or denial of the petition for rezoning that is under consideration?”

All Council Members and Mayor Clifton responded no.

Mayor Clifton asked the City Clerk “to state whether any applicant for rezoning has filed a campaign contribution disclosure report in connection with the petition for rezoning and if so, will the Clerk please indicate whether the applicant made any campaign contributions to the Mayor or a member of the Council aggregating \$250.00 or more within the two (2) years preceding the filing of the petition for rezoning.

Anne Barksdale, City Clerk, responded that no disclosure reports had been filed.

Mayor Clifton stated that if any member of the public speaks in opposition to the petitions for rezoning, they must first state whether, within the two years immediately preceding the filing of the petition for rezoning that you oppose, you made campaign contributions aggregating \$250.00 or more to the Mayor or any other member of the City Council. If you have, please state whether you have filed a disclosure report with the city within five days of the first hearing on these petitions for rezoning.

Mayor Clifton requested that any member of the public that speaks in support or opposition of the petition for rezoning coming under consideration, state their name and address for the record.

Mayor Clifton stated that written copies of the zoning standards and the policies and procedures governing the calling and conducting of these hearings are available from the City Clerk if anyone would like a copy.

Brian Wismer, Director of Community Development stated the City has received a request for annexation and initial zoning for the property located at 140 Walker Parkway. The 1-acre parcel is contiguous to the Panera Bread property on its southern border that faces Highway 85. The property is currently zoned C-H (Commercial Highway) in the County and the applicant is seeking a lateral move to the City’s C-3 (Highway Commercial) zoning category. The surrounding commercial properties are zoned C-3 (Highway Commercial) to the south and C-2 (Community Commercial) and C-3 directly across Highway 85.

The applicant is proposing to construct a 5,940 square foot, single story building with 4,000 square feet of retail space and 1,935 square feet for a restaurant with drive-through. Should the annexation and zoning be approved, restaurants, including drive- in and drive-through facilities are allowed by special exception only. The applicant will also be required to submit formal development plans for P&Z Commission review at a later date.

Proposed access to the property will be through the existing curb cuts on Walker Parkway. No additional roads or drives will be constructed in conjunction with this project. Although the City would like to see inter-parcel access between the subject property and Panera Bread, steep topography differences between the two parcels will make that difficult to achieve.

He added the site is within the Fayette County water district. Sewer will be provided by the City of Fayetteville. Fayette County had no objection to the annexation request.

The property is currently zoned C-H (Highway Commercial) in the County and the City proposes an equivalent zoning of C-3 (Highway Commercial). The FLU map designates the surrounding area as Neighborhood Mixed Use. The City's Comp Plan allows for "commercial uses that serve neighborhood residents' day- to- day needs, and should match the character of the neighborhood".

On March 24, 2015 the Planning & Zoning Commission made a favorable recommendation to Mayor and Council for the annexation and zoning as submitted, by a unanimous vote.

Mr. Wismer explained, City Staff review brought forth the following comments relating to this request:

If annexed, the developer would have to extend sewer from Highway 85 at Ellis Road to the property. A private lift station would probably have to be constructed due to the elevation conditions of the site.

GDOT permit may be required in addition to local permitting.

Because the applicant's proposed annexation and rezoning is in keeping with the Future Land Use Map of the surrounding area, and the proposed use is consistent with the surrounding businesses, staff supports approval for the annexation and initial zoning as submitted.

Mr. Alec Lesley, the developer with Serd, LLC discussed the project. There were no other public comments.

Mayor Clifton called #0-7-15 – 140 Walker Parkway – Rezone to C3 Highway Commercial – Public Hearing and 1<sup>st</sup> Reading.

Mr. Wismer stated, as discussed in previous agenda item, the applicant's proposed annexation and rezoning is in keeping with the Future Land Use Map of the surrounding area, and the proposed use is consistent with the surrounding businesses, staff supports approval for the annexation and initial zoning as submitted.

There were no public comments.

Mayor Clifton stated this was posted for 1<sup>st</sup> Reading.

### **New Business:**

Mayor Clifton called Consider R-12-15 – To Support the City of Fayetteville's Grant Application for Federal Transportation Funds (TAP) and Commit to Local Match.

Brian Wismer, Director of Community Development stated Staff has recently applied for additional TAP funds to assist with the completion of the multi-use path and bridge network over SR54 near the hospital, which is currently in the Preliminary Engineering phase. Per the newly adopted requirements of the Atlanta Regional Commission (ARC), municipalities must submit a resolution of support for the project, stating their commitment to providing the necessary local match required to supplement the federal grant.

He said the funds requested in this federal grant application, with built in contingencies, amounts to \$1,435,924. The City's local match, if the full amount is granted, will be approximately \$360,000. Without the grant or alternate funding source, this project will be very difficult to complete on schedule, which is currently 2018. Staff recommends adoption of the resolution so that the City may potentially leverage the federal monies needed to supplement local funds for this project.

Johnson moved to approve R-12-15 – To Support the City of Fayetteville's Grant Application for Federal Transportation Funds (TAP) and Commit to Local Match. Stacy seconded the motion. Motion carried unanimously.

Mayor Clifton called Consider Approval of Change Order for Additional Trail Study – West Fayetteville Multi-Use Path Bridge Project.

Brian Wismer, Director of Community Development stated as the final alignment of the multi-use path and bridge is now set, the actual trail length is 1100' longer than originally proposed. This additional length will in part help to terminate this phase of the trail to a useable destination at Piedmont Fayette hospital. Because the project is funded in large part by the TAP grant, it is subject to the standards of environmental review required of all federal grants. In this case, the additional engineering services needed for the additional trail length comes to \$38,082. The TAP grant will pay 80% of this total, leaving the City's local match at approximately \$7,600.

This \$38,000 change order will be added to the existing work order and reflects an increase of slightly more than 12% of the total engineering cost for the project. Per City policy, any change order greater than 10% must receive City Council approval. As stated previously, the City has more than enough grant monies allocated to engineering to absorb this increase, and therefore, staff recommends approval of the change order as presented.

Stacy moved to approve Change Order for Additional Trail Study – West Fayetteville Multi-Use Path Bridge Project, allowing the City Manager to sign. Johnson seconded the motion. Motion carried unanimously.

Mayor Clifton called Consider Wide Area Network Contract for City.

Kelvin Joiner, Director of Information Technology stated the City of Fayetteville currently uses outside vendors for data communications. The services include business internet to the City by

Comcast and AT&T Point to Point data connections (s) between the City's Information Technology data center to all City owned buildings. Each City building has a separate point to point or VPN Tunnel that demarks back at the City's data center. The current monthly cost for these combined services is \$2939.00 per month.

He added that internet speeds have become slower due to the increased needs by staff to perform their business tasks, VPN connections to remote City Sites and the use of Public Safety mobile data terminals (MDT's) to the City's internal network over the internet. The current size of the bandwidth has created a bottleneck during peak times.

Due to growth and technology needs, the AT&T 1.5 MB data circuits (Point to Point) are too slow to remote access to City of Fayetteville Water Department and Fire Station 92 in the Pavilion area. The VPN site to site tunnels which include Fire Station 93 and Main Street at the Courthouse Square are slow due to internet speeds fluctuating depending on Internet traffic and routing.

Mr. Joiner stated the Information Technology department was tasked during the Mayor and Council 2015 Retreat to speed up the City's Wide Area Network to provide better speeds to the City's remote sites and Internet.

He said we contacted two vendors that can provide high speed data services in the Fayetteville area on their own infrastructure. Other third party vendors were excluded due to past history of issues and third party company's having to use other company's infrastructure to provide data services. Due to Public Safety data needs including operations directly affecting officer safety, we cannot afford being down during the process of troubleshooting and data connection recover.

Mr. Joiner recommended the following:

- Increase the Internet Speeds from 10MB to 20MB (double)
- Increase the Point to Point Speeds from 1.5MB to 10MB (6.6 times the speeds)
- Replace the VPN Site to Site connection to 10MB (up to 10 times the speeds)

He said two quotes were received from vendors for data services. Comcast quoted \$2915.00 per month for 60 months including installation into the buildings and AT&T quoted \$3462.50 per month for 60 months, but the City would have to install conduit to the buildings if not available.

Staff recommends selection of the Comcast contract amendment at \$2915.00 per month/60 months to provide Internet service and a Point to Point connection between City Buildings. The new contract will amend the previous Comcast contract by extending it 5 years and giving the City faster access to City's remote sites at about the same price with a lower monthly rate built on a 60 month term. The current AT&T contract for Point to Point services has expired.

Mr. Joiner added the monthly costs for this service are part of each department's operation and maintenance budget and will not increase costs to the current budget. There is no cost for installation of the infrastructure unless the City terminates services within the 60 month contract.

Stacy moved to award the Wide Area Network contract to Comcast, amending the current contract to \$2915.00 per month/60 months to provide Internet service and a Point to Point connection between City Buildings. Oddo seconded the motion. Motion carried unanimously.

#### **City Manager and Staff Reports:**

Ray Gibson, City Manager stated department managers and selected staff will have a one day Management Leadership Retreat on April 28<sup>th</sup> at the Old Courthouse from 8:30 – 4:30.

Mr. Gibson said the city currently has two surveys out on our website for Public Safety and Economic Services.

#### **City Council and Committee Reports:**

Mayor Pro Tem Johnson announced the walk/run fundraiser – AVPride Run Thingy (Association of Village Pride) debuts Saturday from 4:30 – 8:00 at Heritage Christian Church.

Councilman Stacy said the first ever Community Walk is scheduled for May 16<sup>th</sup> at 8:00am beginning at the County Justice Center. This event is for everyone in the community.

#### **Executive Session:**

Mayor Clifton stated council needed to meet in Executive Session to discuss a personnel matter.

Oddo moved to go to Executive Session to discuss Personnel Matter. Williams seconded the motion. Motion carried unanimously.

Oddo moved to return to regular City Council meeting. Stacy seconded the motion. Motion carried unanimously.

#### **Mayor's Comments:**

Mayor Clifton said there is a GDOT meeting for the community beginning at 4:00pm April 28<sup>th</sup> at Harps Crossing Baptist Church to discuss future plans for road improvements in south Fayette County, specifically proposals for South Highway 92 traffic flow issues.

**Public Comments:**

Ms. Cristi McCully spoke to Council about the startup and beginnings of Liberty Tech Charter School. She asked if council would consider writing a letter of support for the project. Council will consider writing letter of support.

Oddo moved to adjourn the meeting. Edwards seconded the motion. The motion carried unanimously.

Respectfully submitted,

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Anne Barksdale, City Clerk